

CITATION

STEPHANIE GANT, ET AL

5TH JUDICIAL DISTRICT COURT

VS. NO. 45097

STATE OF LOUISIANA

OLD REPUBLIC INSURED
AUTOMOTIVE SERVICES, INC. ET A

PARISH OF RICHLAND

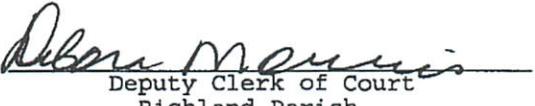
STATE OF LOUISIANA:

TO: PORTS PETROLEUM, INC.
ATTN: BUSINESS FILINGS INTERNATIONAL
INC.
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA., 70816

of the Parish of E. BATON ROUGE

You are hereby cited to comply with the demand contained in the petition damages, wrongful death, a certified copy of which accompanies this citation. Alternatively, you should file an answer or other pleading to said petition damages, wrongful death in the office of the Clerk of Fifth Judicial District Court, in the Richland Parish Courthouse, Rayville, Louisiana, within fifteen (15) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness the Honorable Judges of said Court, this
MAY 19, 2016.


Debra Morris
Deputy Clerk of Court
Richland Parish

A TRUE COPY. ATTEST
D. CLERK 5TH DISTRICT COURT
RICHLAND PARISH, LA.

EXHIBIT

"A"

tables

FIFTH JUDICIAL DISTRICT COURT—PARISH OF RICHLAND

STATE OF LOUISIANA

CASE NO.: 45097

DIVISION: A

STEPHANIE GANT, court-appointed tutrix of the deceased, PRESTON JONES' minor children, PRESLEY JONES, WHITNEY JONES, and HARRIET JONES

VERSUS

OLD REPUBLIC INSURED AUTOMITIVE SERVICES, INC.,
JON MICHEAL SIMMONS AND PORTS PETROLEUM, INC.

FILED: May 13, 2016 DEPUTY CLERK: Debra Morris

PETITION FOR DAMAGES, WRONGFUL DEATH
AND SURVIVAL ACTION

NOW INTO COURT, through undersigned counsel, comes, STEPHANIE GANT who appears to this court of the full age of majority and is a resident of the State of Louisiana. STEPHANIE GANT appears on behalf of the following: PRESTON JONES, the deceased, and, PRESLEY JONES, WHITNEY JONES, and HARRIET JONES, the three surviving minor children of the deceased. STEPHANIE GANT appears as the court-appointed tutrix of the minor children who with respect, represents:

1.

Made defendants in this cause of action are:

- a. JON MICHEAL SIMMONS, (hereinafter referred to as "SIMMONS"), who, upon information and belief, is a person of the full age of majority domiciled in the State of Mississippi whose permanent mailing address is declared to be 8030 Holly Grove Meeks, Cruger, Mississippi 38924;
- b. PORTS PETROLEUM, INC., (hereinafter referred to as "PORTS PETROL") a foreign company domiciled in the State of Ohio, at 1337 Blachleyville Road, Wooster, Ohio 44691, doing business in the State of Louisiana, who has appointed as its Agent for Service of Process:

Business Filings International, Inc., 3867 Plaza Tower Drive, Baton Rouge, Louisiana 70816;

c. OLD REPUBLIC INSURED AUTOMOTIVE SERVICES, INC., (hereinafter referred to as "OLD REPUBLIC") a foreign company domiciled in the State of Ohio (insuring Co-Defendant, PORTS PETROLEUM), at 8282 S. Memorial Drive, Suite 202, Tulsa, Oklahoma 74133, who has appointed as its Agent for Service of Process: The Prentice-Hall Corporation System, Inc., 501 Louisiana Avenue, Baton Rouge, Louisiana 70802;

2.

The jurisdiction of this Honorable Court is based upon Louisiana Revised Statute 13:3201.

3.

The aforementioned defendants are indebted unto your petitioners, jointly, severally and *in solido*, for an amount reasonable in the premises, and which will fully and adequately redress them for injuries and losses which they have sustained with legal interest from date of judicial demand, for all costs of these proceedings, and for all general and equitable relief for the reasons, to wit:

4.

On or about August 24, 2015, defendant JON MICHEAL SIMMONS, acting in the course and scope of his employment, was operating a tractor-trailer on behalf of his employer Ports Petroleum Inc., traveling westbound in the outside (right) lane on Interstate 20 at milepost 141 in Richland Parish, Louisiana.

5.

At that same time, PRESTON JONES was operating his Ford Explorer traveling westbound in the inside (left) lane of travel when SIMMONS suddenly and without warning made an unsafe lane change into Preston Jones' lane of travel,

striking the Explorer, causing it to violently spin out of control, flip and roll several times.

6.

As a direct and proximate result of the SIMMONS acts and omissions, PRESTON JONES was killed.

7.

Immediately after the collision an official investigation was conducted and according to the State investigation and independent eyewitnesses, SIMMONS failed to maintain a proper lookout and made an unsafe lane change which caused the death of Preston Jones.

8.

PRESTON JONES was 39 years old at his time of death. His minor children PRESLEY JONES, 11, WHITNEY JONES, 10, and HARRIET JONES, 9, resided with him and currently reside with their grandmother and legal tutrix, STEPHANIE GANT.

9.

Petitioners show that the above-described collision and the injuries they sustained as a result thereof, were due to the negligence and/or fault of the defendants, JON MICHEAL SIMMONS, in the following non-inclusive respects:

- a. Driving in a reckless and careless manner, time and place considered;
- b. Driving at an excessive rate of speed;
- c. Failure to maintain control of his vehicle;
- d. Failure to maintain a proper lookout;
- e. Failure to observe what he should have observed;
- f. Failure to yield;
- g. Failure to stop;
- h. Failure to keep a proper distance between the vehicles;

- i. Failure to act as a reasonable and/or prudent person would act under the same or similar circumstances;
- j. Improper lane usage;
- k. Improper signaling;
- l. Operating his vehicle in a fatigued and sleepy state;
- m. Operating his vehicle over the permitted number of hours worked; and
- n. Any and all other acts of negligence, omissions, and/or legal fault that shall be discovered and shown at the trial of this matter.

10.

Petitioners show that the above-described collision and the injuries they sustained as a result thereof, were due to the negligence and/or fault of the defendants, PORTS PETROL, in the following non-inclusive respects:

- a. Allowing the defendant, JON MICHEAL SIMMONS, to use and operate its vehicle when it knew or should have known that he was an unsafe driver;
- b. Failing to instruct defendant, SIMMONS, in the proper and safe operation of the vehicle described above;
- c. Negligently training SIMMONS;
- d. Negligently supervising SIMMONS;
- e. Allowing SIMMONS to operate his vehicle in a fatigued and sleepy state;
- f. Allowing SIMMONS to operate his vehicle over the permitted number of hours worked;
- g. Failing to perform proper inspection and maintenance of vehicle driven by SIMMONS;
- h. Negligently hiring, retaining, and entrusting SIMMONS;
- i. Pressuring SIMMONS to meet an unreasonable delivery schedule;

- j. Failing to properly supervise the operation of the vehicle driven by SIMMONS; and
- k. In other respects, that will be shown at the trial of this matter.

11.

Based off information and belief, OLD REPUBLIC is the insurer for PORTS PETROL.

12.

Petitioners show that PRESLEY JONES is the natural child of PRESTON JONES; and, as a result of the aforementioned collision, PRESTON JONES died succumbing to fatal injuries.

13.

Petitioners show that WHITNEY JONES is the natural child of PRESTON JONES; and, as a result of the aforementioned collision, PRESTON JONES died succumbing to fatal injuries.

14.

Petitioners show that HARRIET JONES is the natural child of PRESTON JONES; and, as a result of the aforementioned collision, PRESTON JONES died succumbing to fatal injuries.

15.

Petitioners brings specifically, but without limitation, an action pursuant to Louisiana Civil Code Articles 2315, 2315.1, 2315.2, 2316, and 2317 for their damages.

16.

Petitioners avers that as a result of the incident made subject of this litigation, petitioners sustained the following non-exclusive damages to-wit:

- a. Past, present, and future medical expenses;
- b. Past, present, and future mental anguish;

- c. Past, present, and future loss of wages;
- d. Loss of enjoyment of life;
- e. Fear of loss of life;
- f. Loss of inheritance;
- g. Wrongful death;
- h. Medical expenses;
- i. Funeral expenses;
- j. Loss of consortium of a parent;
- k. Loss of love, companionship and affection of a parent;

17.

At the trial of this matter, it shall be necessary to call upon expert witnesses to give testimony, and the costs of these experts should be taxed as costs of Court and paid by the defendants.

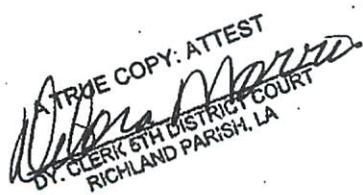
18.

Petitioners aver amicable demand, to no avail.

WHEREFORE, Petitioner pray that after due proceedings had, there be judgment herein in favor of Petitioners, STEPHANIE GANT, PRESLEY JONES, WHITNEY JONES, and HARRIET JONES, and against OLD REPUBLIC INSURED AUTOMOTIVE SERVICES, INC., JON MICHEAL SIMMONS and PORTS PETROLEUM, INC., jointly, severally and *in solido* in an amount and for a sum adequate to compensate Petitioners for their damages, for legal interest thereon from date of judicial demand, until paid, for all costs of these proceedings, and for all general and equitable relief.

Respectfully Submitted:



A TRUE COPY: ATTEST

CLERK 6TH DISTRICT COURT
RICHLAND PARISH, LA

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PLEASE SERVE

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Baton Rouge, LA 70816

Old Republic Insured Automotive Services, Inc.
Attn: The Prentice-Hall Corporation System, Inc.
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Baton Rouge, LA 70802